IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1846 OF 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11/11/2004 in W.P.M.P.NO:26337 OF 2004 IN W.P.NO:13121 of 2003.)

Between:

The Director of Urban Forestry, Hyderabad Urban Development Authority (HUDA), HUDA complex, Tarnaka, Secunderabad.

..... APPELLANT

AND

1. N.Suresh, s/o N.Balaram, H.No:7-7-12, Old Bowenpally, Rajarajeswari colony, Secunderabad.

2. The Presiding Officer, Additional Industrial Tribunal cum Additional Labour Court, M.J.Road, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: MR.S.SATYAMREDDY

Counsel for the Respondent No.: G.P. FOR LABOUR

MR.P.RAGHAVENDRA REDDY, S.C. FOR GPS ZPS

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The Court made the following :

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ORDER: (Per the Honourable Smt. Justice T.Meenakumari)

This writ appeal is filed by the writ petitioner-appellant herein aggrieved by the order in W.P.M.P.No: 26337 of 2004 in W.P.No:13121 of 2003, under which the learned single Judge dismissed the said W.P.M.P.

W.P.No:13121 of 2003 has been filed by the writ petitioner-appellant herein seeking to call for the records in I.D.No:33 of 1998 directing reinstatement of the 1st respondent herein into service with continuity of service with all attendant benefits but without back wages and to quash the same as arbitrary. Along with the writ petition, the appellant has also filed an application in W.P.M.P.26337 of 2004 seeking to stay all further proceedings in E.P.No:5 of 2004 in I.D.No:33 of 1998 on the file of the 2nd respondent herein. The learned single Judge having observed that the appellant has not complied with either the Award or the orders made in the execution petition, dismissed the petition. Having aggrieved by the same, the present writ appeal is preferred by the writ petitioner.

Heard the learned counsel on either side.

We have perused the order impugned. It is observed by the learned single

Judge that the appellant has not complied with either the award or the orders made in the execution petition and there is no justification on the part of the appellant in not reinstating the 1st respondent into service. It is further observed by the learned single Judge that the 1st respondent was neither paid the back wages nor any wages payable to him under section 17B of the Industrial Disputes Act and therefore, the appellant is entitled for any relief.

In the facts and circumstances of the case and in view of the fact that the writ petition is pending, without expressing any opinion on the merits of the case, We are of the view that it would suffice if the order of the learned single Judge is modified to the extent that there shall be an interim stay of all further proceedings in E.P.5 of 2004 in I.D.No:33 of 1998 on the file of the 2nd respondent subject to the condition of the appellant paying arrears of back wages till todate within a period of four (4) Weeks from today and also continuing to pay the monthly wages.

Subject to the above modification, this writ appeal is disposed of.

Office is directed to post the writ petition for final hearing in the month of February, 2005.

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Justice T.Meenakumari

14th December, 2004

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justice S.Ananda Reddy

Gurc.

Copies to

1.The Director of Urban Forestry, Hyderabad Urban Development Authority (HUDA), HUDA complex, Tarnaka, Secunderabad.

2.N.Suresh, s/o N.Balaram, 7-7-12, Old Bowenpally, Raja Rajeswari colony, Secunderabad-11.

3.The Presiding Officer, Additional Industrial Tribunal cum Additional Labour Court, M.J.Road, Hyderabad.

4.Two C.Cs. to G.P. for Labour, High Court Buildings, Hyderabad (OUT)

5.Two C.Ds.

6. One copy to Section Officer, writ filing High Court Buildings, Hyderabad.

HONOURABLE SMT. JUSTICE T.MEENAKUMARI

&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A.No:1846 of 2004

(order pronounced by Smt.Justice T.Meenakumari)

14th December, 2004